

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ROBERT BARROR,)
)
Plaintiff,)
)
vs.) No. 3:20-cv-00731-SB
)
CITY OF SAINT HELENS, and)
ADAM RAETHKE, in his)
individual capacity,)
)
Defendants.)
)

DEPOSITION OF ADAM RAETHKE
Taken in behalf of the Plaintiff

* * *

September 14, 2021

1 BE IT REMEMBERED that the deposition of ADAM
2 RAETHKE was taken before Amy A. Dalton, Certified
3 Court Reporter and Notary Public, on
4 September 14, 2021, commencing at the hour of 3:06
5 p.m., in the conference room of the law firm of
6 Chock Barhoum, in the City of Portland, County of
7 Multnomah, State of Oregon.

8

9 APPEARANCES:

10

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1 ADAM RAETHKE

2 was thereupon produced as a witness in behalf of the
3 Plaintiff and, having first been duly sworn, was
4 examined and testified under oath as follows:

5

6 EXAMINATION BY MR. STEFFEN:

7 Q. Good afternoon, Officer Raethke. My name
8 is Justin Steffen. I am Robert Barror's attorney,
9 and I -- I assume you understood that he's filed a
10 lawsuit against you and the City of St. Helens and
11 I'm here to ask you questions under oath just as if
12 you were testifying in court in front of a judge,
13 subject to penalties of perjury?

14 **A. Yes, sir.**

15 Q. And have you ever been deposed in a civil
16 or criminal case before?

17 **A. No.**

18 Q. Well, it's -- just a couple, you know,
19 guidelines here. It's important for both of us not
20 to try to speak over each other. I know it's human
21 nature. I'm sure I'll do it several times during
22 the deposition, but it's important we wait for each
23 other to finish speaking so the court reporter can
24 get a clear "yes" or "no." And it's also important
25 if I ask you a "yes" or "no" question, you respond

1 with a "yes" or "no" rather than "uh-huh" or
2 "uh-huh" just so the court reporter has an easier
3 time. Does that make sense?

4 **A. Yes, sir.**

5 Q. Are you currently taking any medications or
6 other substances that would affect your ability to
7 recall events?

8 **A. No, sir.**

9 Q. And other than with your attorney, have you
10 reviewed any documents in order to prepare yourself
11 for this deposition?

12 **A. What do you mean?**

13 Q. Well, for example, did you look at your
14 police report last night because you knew I was
15 probably going to ask you questions about it?

16 **A. Yes. Yes, sir.**

17 Q. Okay. And did you review any other
18 documents besides your police report?

19 **A. Yes, sir.**

20 Q. And what documents were those?

21 **A. The OS -- the Oregon State Police report**
22 **authored by Trooper Killens and the -- the multiple**
23 **computer-automated dispatcher CAD reports that were**
24 **generated from the case.**

25 Q. Any other documents?

1 **A. I don't believe so.**

2 Q. Okay. And, again, other than your
3 attorney, have you talked to anyone else about this
4 lawsuit or the fact that you're being deposed today?

5 **A. My supervisors are aware, yes, sir.**

6 Q. Okay. And who's your supervisor?

7 **A. I spoke with Sergeant Evin Eustice and
8 Sergeant Jon Eggers prior to coming here.**

9 Q. Okay. And what did you tell them?

10 **A. I let them know I was going to -- my
11 appointment time was here at 3 o'clock and that I
12 was going to leave at about 1:30, and the case that
13 I was speaking with them about, and just kind of
14 asked them, like, what a deposition's like since
15 I've never been a part of one.**

16 Q. Okay. And starting with Sergeant Eustice,
17 what did he tell you?

18 **A. Basically, just answer the questions.**

19 Q. Okay. And, I'm sorry, who was the other --
20 you said there's another sergeant?

21 **A. Sergeant Eggers.**

22 Q. Is that E-C-K --

23 **A. It's E-G-G-E-R-S.**

24 Q. Okay. And did he tell you, essentially,
25 the same thing?

1 **A. Yeah, just answer the question, and he said**
2 **he'd never been deposed before.**

3 Q. Okay. Can you please describe your current
4 position with the City of St. Helens?

5 **A. Yes. I'm a patrol officer.**

6 Q. And is this the same position you held in
7 August of 2019?

8 **A. Yes, sir.**

9 Q. And how long have you worked for the City
10 of St. Helens?

11 **A. A little bit over two years now.**

12 Q. And where did you work before you became a
13 patrol officer at St. Helens?

14 **A. The Columbia County Sheriff's Office.**

15 Q. And were you a deputy with Columbia County?

16 **A. Yes, sir.**

17 Q. And how long were you a deputy with
18 Columbia County?

19 **A. With the patrol division, ten months, and**
20 **with -- I'm sorry. I have to think about that.**

21 **It's been some time. I believe with the corrections**
22 **division it was ten months, so I worked in the jail,**
23 **and then with the patrol division, maybe a year and**
24 **a half or so.**

25 Q. Okay. Did you work for the patrol division

1 first or the corrections division?

2 **A. Corrections first.**

3 Q. Okay. And why did you leave your position
4 with Columbia County?

5 **A. St. Helens Police Department offered better
6 pay.**

7 Q. Okay. So you voluntarily chose to leave,
8 then?

9 **A. Yes, sir.**

10 Q. And as a patrol officer with the City of
11 St. Helens, what are your typical duties in that
12 position?

13 **A. I mean, I investigate criminal stuff. We
14 get a lot of civil stuff. And we, you know, can't
15 help too much, but, you know, "Hi, my neighbor's
16 come to my house," and, like, a wide variety of
17 things, really, traffic enforcement, deterring
18 crime, investigating crimes, just really everything.**

19 Q. When you say "investigating crimes," does
20 that mean you're assisting in the investigation or
21 you're in charge of particular investigations?

22 **A. At times you're assisting and at times
23 you're the one investigating.**

24 Q. Does the City of St. Helens have dedicated
25 detectives in the police force?

1 **A. Yes.** Currently we have two right now.

2 Q. Okay. But there are other investigations
3 that the -- the detectives would typically handle --

4 **A. Yes.**

5 Q. -- for various reasons?

6 **A. Yes.**

7 Q. Okay. I'm assuming there are certain,
8 probably, annual training or continuing education
9 to -- in order for you to maintain your position --

10 **A. Yes.**

11 Q. -- is that true?

12 **A. Yes, sir.**

13 Q. Can you describe what annual training is
14 required?

15 **A. As a whole, I mean, I know we have annual**
16 **firearms training that we do every year. How many**
17 **hours, I don't know. I just know that we're**
18 **assigned training time to go do it. Annual**
19 **use-of-force training. We have blood**
20 **certifications. We have to be using our intoxilyzer**
21 **card a certain number -- or I believe it's once a**
22 **year for it to remain valid, but, yes, we have**
23 **annual trainings that we attend.**

24 Q. And are you current on all your training
25 requirements?

1 **A. Yes, sir.**

2 Q. Can you describe the annual use-of-force
3 training that you undergo?

4 **A. Yes, sir. St. Helens Police Department**
5 **uses both in-person and virtual training. In person**
6 **the use-of-force instructor, his name is Sergeant**
7 **Eustice, he'll put on use-of-force classes. And we**
8 **also have a -- a training application, I guess you'd**
9 **call it, called Police One Academy that is also used**
10 **for training and -- but that's only been in place**
11 **for -- the Police One Academy has only been in place**
12 **for a year now.**

13 Q. Okay. This program is some sort of
14 computer program or online --

15 **A. Training videos.**

16 Q. Training videos. Okay.

17 And when is use of force authorized,
18 according to your training materials?

19 **A. According to our policy, it's to defend**
20 **myself or another or to make an arrest.**

21 Q. So I assume you're saying that use of force
22 is authorized to make an arrest if the subject is
23 resisting arrest; is that correct?

24 **A. I mean, yes and no. Can you maybe**
25 **elaborate on that?**

1 Q. Well, you wouldn't need to use force if
2 someone you're arresting was complying with all your
3 orders, right?

4 **A. Well, I mean, technically, applying
5 handcuffs would, in some sense, be use of force.
6 That's why it's hard to answer that question.**

7 Q. Okay. Yeah. I understand. And, please,
8 if you don't understand my questions, please let me
9 know. I'm not trying to trick you or anything.

10 **A. No. I just want to make sure I'm answering
11 the questions.**

12 Q. Yeah. That's great. Thank you. And,
13 again, if you don't know something or can't
14 remember, let me know.

15 **A. Yes, sir.**

16 Q. If you don't say that, I'm going to assume
17 that you can remember or that you do understand my
18 questions.

19 **A. Yes, sir.**

20 Q. Okay. Now, as part of these use-of-force
21 training materials and the use-of-force policy with
22 the City of St. Helens, is there any specific
23 training related to detaining individuals that might
24 have physical or mental disabilities?

25 **A. I don't know.**

1 Q. Well, for example, you know, if,
2 hypothetically, someone was in a wheelchair and you
3 needed them to stand up so you could put handcuffs
4 on them, obviously they can't stand up, right --

5 **A. Yes, sir.**

6 Q. -- so you'd have to alter your --

7 **A. Yes, sir.**

8 Q. -- your response there. So I'm wondering
9 if there's any specific training that details what
10 to do in those kind of situations or similar
11 situations?

12 **A. Not that I can recall.**

13 MR. HANSEN: And you're referring
14 specifically to physically handicapped in
15 wheelchairs or did you mean that follow-up question
16 to be more broad?

17 MR. STEFFEN: Yeah, more -- more broad is
18 what I was referring to. Just if someone has a -- a
19 physical or a mental disability that would --

20 MR. HANSEN: Why don't you take them one at
21 a time.

22 MR. STEFFEN: Yeah. Sure.

23 THE WITNESS: Okay.

24 MR. HANSEN: That's probably better.

25 BY MR. STEFFEN: (Continuing)

1 Q. So to ask it again, Officer Raethke, can
2 you recall any training you've undergone with the
3 City of St. Helens related to use of force as it
4 relates specifically how use of force should be
5 applied to people with physical disabilities?

6 **A. I'm recalling this is a training**
7 **specifically for, like, persons that are pregnant**
8 **and stuff like that. I mean, I don't have the**
9 **policy here in front of me, so it kind of makes that**
10 **difficult to, you know, really answer your question.**

11 Q. I understand.

12 And I'm going to ask the same question as
13 it relates to mentally-disabled individuals, that is
14 a -- does your use-of-force training have any
15 differences in how force is applied when you are
16 dealing with someone that has a mental disability?

17 **A. Again, with the -- with the policy not,**
18 **like, right in front of me, I can't flip through**
19 **every paragraph. It's -- it's -- I mean --**

20 Q. I understand.

21 **A. I know there's -- I mean, there's**
22 **trainings, but I'm trying to think of, like, the**
23 **actual paper policy.**

24 Q. But right now, today, you -- you can't
25 recall any just off the top of your head?

1 **A. No.**

2 Q. Sorry. I'm going to back up a little bit.

3 **A. Okay.**

4 Q. Before you were a corrections deputy with
5 Columbia County, what -- where did you work?

6 **A. I worked for a small flooring company
7 called Sturdy Floors.**

8 Q. Okay. So Columbia County in the
9 corrections division was your first law enforcement
10 position?

11 **A. Yes, sir.**

12 Q. Okay. And since you started at Columbia
13 County all the way to the present, other than the
14 incident on October -- sorry -- on August 6th of
15 2019, have you been involved in any use-of-force
16 incidents?

17 **A. Just in general?**

18 Q. Yeah. Well, I mean, to the extent where
19 you would file any kind of report detailing your use
20 of force.

21 **A. Yes. We're required to write a report when
22 there is force used.**

23 Q. Okay. About how often does that happen in
24 the regular course of your duties?

25 **A. I mean, I don't know if I can give you a**

1 **number. From time to time. I don't know if**
2 **that's --**

3 Q. Okay.

4 **A. -- if that's --**

5 Q. Yeah. I mean, I think I understand.

6 Well, would you say more than once a month?

7 Less than once a month?

8 **A. I -- I can't say, sir. It varies.**

9 Q. Okay. Okay. Let's talk about August 6th.

10 Do you recall assisting Oregon State Police in
11 arresting Robert Barror on August 6th of 2019?

12 **A. Yes, sir.**

13 Q. Can you please describe how you came to be
14 involved in that incident?

15 **A. Yes. I was near the intersection of South**
16 **Eighth and Columbia Boulevard in St. Helens on an**
17 **unrelated call, and I believe it was -- because**
18 **Oregon State Police and the local agencies like**
19 **Scappoose and St. Helens, we have different**
20 **dispatch. I believe it was the dispatch for, like,**
21 **St. Helens and stuff that had aired the call or**
22 **aired the general broadcast of the incident. And it**
23 **was a -- it was a gray Chevy pickup northbound on**
24 **the highway -- I don't remember the nearest cross --**
25 **going about a hundred miles an hour. And without**

1 looking at my report, that's what I can recall. And
2 then -- did you want me to elaborate or is that --
3 did that answer your question?

4 Q. Well, no. So what happened next?

5 A. I'm not sure I -- I know that -- I want to
6 say that at some point the vehicle had gotten to
7 either Bachelor or South Bachelor, and those two
8 roads cross. I don't remember the route I took to
9 get there. So I drove west up Bachelor Road, and at
10 that time when I arrived, Mr. -- is it Barror? Is
11 that how I say it?

12 Q. It's Barror.

13 A. -- Mr. Barror's vehicle was stopped facing
14 eastbound on Bachelor and there were two Oregon
15 State troopers on scene with their guns drawn aimed
16 at the vehicle and Mr. Barror. So I -- I had
17 come -- basically, we were facing one another.
18 There was another officer in front of me. He
19 momentarily stopped. He pulled forward, parked
20 somewhere behind the trooper's patrol vehicles, not
21 necessarily sure where. And then I got -- got out
22 of my patrol vehicle and as I started to approach
23 the troopers, from what I recall, we started just
24 kind of file -- or I kind of filed into like a -- a
25 column, you know, or a line. And I forget if I was

1 in the rear or in the middle or where I was
2 positioned with those troopers, but we were in a
3 line. And we got to the driver's side of
4 Mr. Barror's vehicle and --

5 Q. And you're guns were drawn at this point,
6 correct?

7 A. Yes.

8 Q. Okay. And, I'm sorry, continue. You got
9 to Mr. Barror's -- the door of his vehicle?

10 A. Yes.

11 Q. And then what happened?

12 A. The trooper started -- began to, like,
13 assist him or remove him from the vehicle. At that
14 time, it -- you know, I was kind of -- my view was
15 obstructed. I put my firearm away. And I had moved
16 closer to the -- I guess, the opening of the door,
17 and I loudly exclaimed -- do you want to use, like,
18 verbatim what I said? It's in the report. I said,
19 "Get out of the fucking car" multiple times.

20 Q. Why did you holster your weapon?

21 A. Because I can't grab someone if I have a
22 firearm in my hand.

23 Q. Well, I guess what I'm getting at is that,
24 did you determine that there was no firearm or no
25 danger that would necessitate you having your gun

1 drawn?

2 **A. That was undetermined at that time.**

3 Q. Okay.

4 **A. There was other officers with me that were**
5 **assisting.**

6 Q. Okay. So after you're -- you're telling
7 Mr. Barror to get out of the car or words to that
8 effect --

9 **A. Yes.**

10 Q. -- and then what happened?

11 **A. Again, without having the report in front**
12 **of me, don't know exactly where my hand placement**
13 **was, but, you know, went to remove him from the**
14 **vehicle. He had leaned away from me towards the**
15 **passenger's side of the vehicle. I don't -- and I**
16 **didn't know at that time if he was leaning away from**
17 **me to resist my attempts or if he was reaching for**
18 **something. I became growingly concerned of -- of**
19 **that. I was able to, after some time, get him from**
20 **the vehicle. And when I got him out of the vehicle,**
21 **I -- I guess the best way to say it is he kind of**
22 **turned and kind of faced me and got into this squat**
23 **position and backed up and was able to go into --**
24 **like, place his -- the back side of his body into**
25 **like the V of the door, you know, where the -- yeah,**

1 the door hinges are. So like by his right hand was
2 the -- you know, the door compartment. By his left
3 hand was the -- like the opening of the cab or
4 whatever. And so then -- and I don't -- I don't
5 know if I -- oh, never mind.

6 So, anyway, after that, I had regained
7 control and got him onto the ground. I don't know
8 if I can recall what side of the body he was on or
9 what side of his body he was -- he was lying on.
10 And as he's on the ground, it had trans -- it
11 transitioned from saying "Get out of the car" to --
12 or "Get out of the F-ing car" to "Stop resisting."
13 The reason why I said that is because as he was
14 lying -- he was lying on one side of his -- of his
15 body. One shoulder was touching the ground. And as
16 he's lying on the ground he has his hands kind of
17 near his -- like his midsection or his beltline.
18 Again, growingly concerned because we have this
19 report of a firearm. And, I'm sorry, I think I may
20 have -- in the CAD report or in -- CCOM had advised
21 that Mr. Barror possibly aimed a firearm at a female
22 in the area. So I'm sorry if I --

23 Q. No. It's --

24 A. -- glanced over that. I apologize.

25 Q. That's okay.

1 A. So, anyway, so that's why the -- there was
2 a kind of concern of getting Mr. Barror detained at
3 this point because, like I said, we still hadn't
4 determined where this firearm was, if he was in
5 possession of a firearm. So he had his hands like
6 right near at his beltline or in front of his body.
7 And we couldn't get his arms -- couldn't get --
8 guide his arms behind his back to handcuff him. So
9 I delivered the first knee strike and then we still
10 couldn't get his arms behind. And at this point we
11 still haven't determined if there's a firearm. You
12 know, it's kind of a more recent thought. Delivered
13 a second knee strike. At that time I recognized
14 that Mr. Barror's -- Mr. Barror wasn't so rigid, I
15 guess you could say, and we were able to guide his
16 arms behind his back. At that point I stopped
17 delivering knee strikes.

18 After that, for some time I -- or between
19 the time that he was detained, at some point I read
20 him Miranda -- his Miranda rights, and then I
21 believe he was placed in the back of the trooper's
22 vehicle.

23 Q. Then did you at any point search Mr. Barror
24 or his vehicle?

25 A. I -- I don't think I, like, physically went

1 **into the vehicle. I peered in, didn't see any other**
2 **people, nothing like that.**

3 Q. And as far as you're aware, was there ever
4 a handgun found on -- or any weapon found?

5 **A. Without having conducted a full search of**
6 **the vehicle, no.**

7 Q. When you were approaching the vehicle,
8 before Mr. Barror got out of it or before he was
9 pulled out of the vehicle, did you hear him try to
10 explain that he couldn't raise his hands and that he
11 was injured?

12 **A. No, sir.**

13 Q. Do you recall Mr. Barror saying anything
14 from when -- between the time you got out of the car
15 and the time he was pulled out of the vehicle?

16 **A. Do I recall from the time I got to the door**
17 **until he was out of the vehicle?**

18 Q. No. From the time you got out of your
19 patrol car to the time Mr. Barror was taken out of
20 the vehicle, do you recall Mr. Barror making any
21 statements?

22 **A. No, sir.**

23 Q. Are you aware of any -- excuse me. Of the
24 other troopers or officers that were assisting in
25 detaining Mr. Barror, are you aware if any of them

1 had to strike Mr. Barror either with their feet,
2 knees, or --

3 **A. No.**

4 Q. And do you recall one or both of the state
5 troopers telling you to stop striking Mr. Barror?

6 **A. I'm sorry. Can you --**

7 Q. Yeah.

8 Did you -- do you recall one of the state
9 troopers that was assisting you with the arrest, did
10 they say any words to the effect that you should
11 stop striking Mr. Barror with your knee?

12 **A. That was not said.**

13 Q. Okay. Do you recall them telling you that
14 Mr. Barror was no longer resisting or words to that
15 effect?

16 **A. I -- I know of the words that were written**
17 **in the report and I --**

18 Q. Okay.

19 **A. -- I -- I'm aware of --**

20 Q. I believe that's -- they said, "He's good.
21 He's good" --

22 **A. Yes.**

23 Q. -- is that -- and what did you take them
24 to -- sorry. Let me rephrase that.

25 What do you think the troopers meant when

1 they told you that Mr. Barror was good?

2 **A. I actually wasn't aware that was said --**

3 Q. Okay.

4 **A. -- on scene.**

5 Q. In one of the reports the state trooper --

6 and we'll look at it in a second, but for now, a

7 state trooper refers to a type of maneuver called

8 "slicing the pie." Are you familiar with that term?

9 **A. Yes, sir.**

10 Q. Can you explain what that means?

11 **A. Is it okay if I draw it or something?**

12 Q. That's fine with me.

13 **A. I don't know if I can put it into accurate**
14 **words.**

15 Q. Sure.

16 **A. So it's just -- let's pretend this is a**
17 **doorway (indicating). This is a police officer,**
18 **just a person (indicating). So you're going to have**
19 **line of sight right here (indicating), but it's only**
20 **going to be, you know, just a little bit from your**
21 **point of view, slowly move over, you can see more,**
22 **and slowly move over again, and you just keep doing**
23 **that until you have a full view of the doorway.**

24 **Does that --**

25 Q. Okay.

1 **A.** -- make sense?

2 **Q.** Sure.

3 MR. HANSEN: And you don't fully expose
4 yourself or your partner --

5 THE WITNESS: Yes.

6 MR. HANSEN: -- to the process --

7 THE WITNESS: Yes.

8 MR. HANSEN: -- until you're sure?

9 BY MR. STEFFEN: (Continuing)

10 **Q.** Okay. So this slicing-the-pie technique
11 can be performed by just a single officer?

12 **A.** **Yeah.**

13 **Q.** Okay. Do you recall if any -- if either of
14 the two state troopers had to physically restrain
15 you from using force against Mr. Barror? And I
16 don't mean in a violent way, but, like, maybe put
17 their hands on you or pull you back or anything?

18 **A.** **I wasn't restrained.**

19 **Q.** Okay. Were you wearing a body camera
20 during this incident?

21 **A.** **Yes.**

22 **Q.** And was this body camera turned on?

23 **A.** **Yes, sir.**

24 **Q.** Are these body cameras that need to be
25 turned on manually? For example, if you have a

1 traffic stop, do you get out and then you switch on
2 the body camera or does it somehow come on
3 automatically?

4 **A. Oh, it's -- we have to turn it on manually.**

5 Q. Okay. And did you turn it on manually when
6 you arrived at the scene on August 6th?

7 **A. Actually, no. It was -- it was on from**
8 **when I was on the unrelated call, and I don't**
9 **believe I had turned it off --**

10 Q. Okay.

11 **A. -- driving to the incident with Mr. Barror.**

12 Q. Okay. Well, we'll come back to that --

13 **A. Okay.**

14 Q. -- because we're going to look at the
15 report.

16 Okay. So I'm going to show you something
17 that's going to be labeled as Exhibit 1?

18 (EXB. 1, Police Report, marked.)

19 BY MR. STEFFEN: (Continuing)

20 Q. And you can just thumb through that really
21 quick until you recognize the document. Is this
22 your police report of the August 6th incident
23 involving Robert Barror?

24 **A. Yes, sir.**

25 Q. Okay. So if you could look at -- it's

1 labeled "Defendant," a few zeros -- it's, basically,
2 Page 5, but I know in the middle it says Page 4 out
3 of 15, but I'm going to direct you to where it says
4 Defendant DF 000005?

5 **A. Okay. Yes. I see it.**

6 Q. Okay. And at the last sentence of the top
7 paragraph, it says, "During this time my body worn
8 video camera was knocked off of my uniform and onto
9 the ground."

10 **A. Yes, sir.**

11 Q. Do you recall that happening?

12 **A. I -- I didn't know about it until after.**

13 Q. When did you realize that your body camera
14 had gotten knocked off?

15 **A. I don't recall.**

16 Q. Have you reviewed -- well, let me back up.
17 So there should have at least been footage of this
18 arrest until the body camera was knocked off of you;
19 is that correct?

20 **A. Yes.**

21 Q. Have you reviewed that footage?

22 **A. It's not -- so we use -- no.**

23 Q. Okay. As far as you're aware, is that
24 footage still in the possession of the St. Helens
25 Police Department?

1 **A. I'm not totally sure, no.**

2 Q. Okay. Do you know what the St. Helens
3 Police Department policy is in regards to retaining
4 video camera footage?

5 **A. We have a -- no. There's a -- we use Axon,**
6 **so it just -- it has some, like, automatic retention**
7 **period.**

8 Q. Okay. And do you know if this video camera
9 footage is uploaded automatically to somewhere, a
10 server or something, or does it have to be --

11 **A. I think --**

12 Q. -- transferred manually?

13 **A. I think it's a server. We plug it into,**
14 **like, a docking station and it uploads**
15 **automatically.**

16 Q. But it -- it would have to be plugged in to
17 somewhere, right?

18 **A. Yes.**

19 Q. It doesn't go through the Cloud or internet
20 or anything?

21 **A. Nope. Got to get plugged in.**

22 Q. And do you recall plugging it in to upload
23 this footage?

24 **A. On that specific day, no.**

25 Q. Okay.

1 **A. But we, generally, do that at the end of**
2 **shift or something like that.**

3 Q. Okay. So once you retrieved the -- your
4 video camera, the body camera, it would have been
5 standard practice for you to upload whatever footage
6 was on there at the end of your shift?

7 **A. If I -- yes. If you plug it in, it just**
8 **automatically does it.**

9 Q. Okay.

10 **A. It's no -- no user effort.**

11 Q. I got it.

12 So if you're taking it off at the end of
13 your shift --

14 **A. Uh-huh.**

15 Q. -- and you plug it in, it will
16 automatically upload?

17 **A. Yes.**

18 Q. Got it.

19 MR. STEFFEN: And can we go off the record
20 for a second?

21 (Recess was taken: 3:38 p.m. - 3:40
22 p.m.)

23 BY MR. STEFFEN: (Continuing)

24 Q. Okay. Officer Raethke, let's -- I'm going
25 to direct you to the second paragraph on that same

1 page. It says, "The troopers and I pulled Robert
2 out of the vehicle by his arms a short time later.
3 When Robert was removed from the vehicle, Robert was
4 ordered to lie on the ground. Robert began to back
5 away from the troopers and I and remained standing.
6 Robert lowered his body into a squat position.
7 Robert continued backing away from the troopers and
8 I. Robert backed his body back towards the open
9 door of the Silverado."

10 So it almost sounds to me like Robert was
11 trying to lower his body to the ground. Is that not
12 your impression?

13 **A. No, sir. He lowered his body into a squat**
14 **position and he didn't -- I mean, it wasn't -- it**
15 **wasn't him getting on the ground; it was him**
16 **squatting.**

17 Q. Well, doesn't he need to lower himself
18 closer to the ground before he gets onto the ground?

19 **A. Yeah. But I don't believe backing away**
20 **would have anything to do with that.**

21 Q. Okay. How far did he back away? What's
22 the span in feet, approximately?

23 **A. I'm not sure. At -- at the very most,**
24 **probably the -- the width of a -- the Silverado**
25 **door. I'm not -- I'm not sure. I don't know, to be**

1 **honest.**

2 Q. Okay. Well, and you also -- let's see.

3 You or the troopers were holding onto Robert, right,
4 at this time when you removed him from the vehicle?

5 A. **I mean, yes. I don't know if both troopers
6 were, but, yes, we were removing him from the
7 vehicle.**

8 Q. How could he back away from you if you guys
9 were holding onto him? Are you saying he pulled you
10 back with him?

11 A. **No. I -- I mean, it's -- it's hard
12 with it not being in the report, either -- so
13 there's two possibilities: Either he pulled us or
14 we lost our grip. I don't know which one.**

15 Q. Okay. Okay. And then let's go to the
16 third paragraph. It says, "Robert continued to
17 resist being taken into custody. For officer safety
18 and to place Robert in handcuffs, Robert was guided
19 to the ground." What do you mean "guided to the
20 ground"?

21 A. **At least -- I mean, someone's hands on him
22 in some position and, like, moved downward.**

23 Q. Okay. Well, to me it sounds, "guided to
24 the ground" is like placing him on the ground as
25 opposed to throwing him down onto the ground. And

1 I'm -- I'm trying to determine if that's your
2 interpretation when you say he was "guided to the
3 ground." Was he guided gently down onto the ground
4 or was he thrown onto the ground?

5 **A. I wouldn't say "thrown." I mean, it says**
6 **right here that he's resisting, so there has to be**
7 **some force applied, but you're not -- it's --**
8 **it's -- there's -- forcefully guiding him, I guess.**
9 **I mean, I don't know. I guided him. It wouldn't --**
10 **I wouldn't -- I wouldn't categorize it as a throw.**

11 Q. Okay. Okay. And the next paragraph it
12 says, "I delivered two focus blows with my right
13 knee to Robert's abdomen. I continued to order
14 Robert to stop resisting."

15 So was he -- after those two blows, was he
16 still resisting?

17 **A. After the second, no.**

18 Q. Okay. So then even though he wasn't
19 resisting anymore, you were still ordering him to
20 stop resisting?

21 **A. Yes.**

22 Q. Okay. And then back to the -- the body
23 camera. Under "Notes" down at the end of the page,
24 it does say, "Body worn video footage available"?

25 **A. Yes.**

1 Q. Are you saying that just because you know
2 you plugged in your body camera at the end of your
3 shift or you've actually reviewed the footage?

4 A. **So when it's on the body -- it's hard to**
5 **explain. I'm not really, like, the techy type. So,**
6 **basically -- okay. I think it's Bluetooth. There's**
7 **a Bluetooth function where we can connect the**
8 **Bluetooth to our work phone. You go and tag it with**
9 **the case number, suspect, or whatever's applicable.**
10 **And then once you tag it and then the -- sorry --**
11 **like the crime or type of case it was. And then you**
12 **plug it in and it just goes so that way once**
13 **it's -- I don't know if it's right here. So, like,**
14 **you would put this (indicating) in one portion of**
15 **the -- like, the ID tag. So then when it says "body**
16 **camera footage available," you can refer to this**
17 **number and then go into the Axon website, I guess,**
18 **and find it.**

19 Q. Okay. Well, I guess what I'm getting at
20 is, are you saying here "body worn footage is
21 available" because you're assuming it's available
22 because you followed all the procedures for storing
23 body-cam footage or did you actually see the footage
24 so you know it's available?

25 A. **I mean, I assume I probably watched it when**

1 **I first wrote my report or something.**

2 Q. Okay.

3 A. I'm not sure. I just -- I know that we tag
4 it a certain way. So when you tag it, you know
5 it's -- you know it's tagged. You can't, like, take
6 it off. And then you just plug it in. Is that
7 answering your question? I'm not sure if I'm really
8 understanding what you're asking.

9 Q. Yeah. And you -- I apologize if that
10 wasn't clear, but I -- I think we can move on.

11 During your time with Columbia County or
12 the City of St. Helens, has your -- any body cameras
13 you might have worn ever fallen off in the middle of
14 an arrest?

15 A. **It happens occasionally, yes.**

16 Q. Okay. Can you be more specific as to how
17 often that happens?

18 A. **Not very often. So at the time of this**
19 **incident, I was a new-ish officer. You can see in**
20 **the video that I was wearing just a regular**
21 **button-up shirt. It didn't have the MOLLE straps**
22 **like that -- a vest does, so I had to utilize just a**
23 **magnet. So like that (indicating), that's -- it's**
24 **weaved -- it's woven in with the straps. It still**
25 **happens from time to time with the magnet. It's --**

1 I mean, it's a lot easier to get knocked off, so it
2 does happen.

3 Q. Okay. Okay. After Mr. Barror was detained
4 and was put in one of the -- the trooper's cars, at
5 some point did you recognize Mr. Barror and realize
6 who he was?

7 A. I -- I don't -- I didn't.

8 Q. Okay.

9 A. To my recollection, that's the only time I
10 have met him.

11 Q. Did you have any idea whether or not
12 Mr. Barror was known as a reckless driver in the
13 area?

14 A. No.

15 Q. Okay. I'm going to ask you to take a look
16 at Exhibit 2. And why don't you go ahead and read
17 this e-mail that's on the first and second page to
18 yourself and let me know when you're finished.

19 (EXB. 2, 9-22-19 Memo, marked.)

20 A. Okay. Okay. I'm done with Page 2.

21 Q. Have you seen this e-mail before?

22 A. No.

23 Q. Okay.

24 A. First time.

25 Q. So as you can see, it's an e-mail from

1 Sergeant Eustice to Lieutenant Hogue. And in the
2 second -- well, let's skip that. One, two, three --
3 in the fourth paragraph it says, "Sergeant Eggers is
4 currently working on an FTEP manual not only for
5 recruit officers but a separate one for lateral
6 officers, due to their generally shortened training.
7 As part of the training we have identified several
8 areas where further training is needed." And then
9 the next paragraph, the second sentence says, "New
10 hires will be instructed on the use of firearms,
11 defensive tactics, verbal conflict and control,
12 handcuffing, use of Tasers," and goes on, but I
13 wanted to ask you about the section that says "New
14 hires will be instructed on verbal conflict and
15 control."

16 Did you receive any training on verbal
17 conflict and control with the City of St. Helens
18 prior to August 6th, 2019?

19 **A. I don't believe so, no.**

20 Q. Okay. Do you recall if you received any
21 training on verbal conflict and control after August
22 6th?

23 **A. Yes.**

24 Q. Okay. And what -- can you give me an
25 overview of what that training was?

1 **A.** Yes. Sergeant Eustice and I spoke about
2 the incident, reviewed the Oregon State Police
3 dash-cam footage. And he asked me why I was yelling
4 and cursing, and so I told him my reasons, and he
5 documented it. I signed it. I think it was on a --
6 I forgot if it -- it was a non-disciplinary form. I
7 don't recall what the form was called.

8 **Q.** Okay. Can you look at the last page of
9 this exhibit?

10 **A.** Yes. The performance evaluation and
11 counseling form.

12 **Q.** Okay. So this -- this is the training
13 you're referring to?

14 **A.** Let me -- let me look over all of it first.

15 **Q.** Sure.

16 **A.** Yes.

17 **Q.** Okay. So other than that instance, did you
18 receive any other training on verbal conflict and
19 control after August 6th, 2019?

20 **A.** So that would fall under the use-of-force
21 policies, and we've had -- since had use-of-force
22 trainings, so, I mean --

23 **Q.** Okay. So as part of your subsequent
24 use-of-force training, that includes a subject on
25 verbal conflict and control?

1 **A. Issuing verbal commands, yes.**

2 Q. Okay. And in relation to the handcuffing
3 training that is referred to on Page 1, did you
4 receive new or updated training on the proper use of
5 handcuffs after August 6th, 2019?

6 **A. Yes. We handcuff subjects in a -- like a
7 hands-on training.**

8 Q. Okay. But I assume you'd received prior
9 training on how to handcuff subjects before August
10 6th, right?

11 **A. Yes.**

12 Q. So I'm wondering, did the training
13 materials change after August 6th?

14 **A. I don't believe so.**

15 Q. Okay.

16 **A. I'm not sure.**

17 Q. And let's go on to, I guess, just the very
18 last page of this exhibit.

19 **A. Okay.**

20 Q. And these are -- are comments related to
21 this performance evaluation and counseling form.
22 And do you know who made these comments on the last
23 page?

24 **A. The evaluator was Sergeant Eustice, I
25 believe.**

1 Q. Eustice. Okay. I couldn't see the
2 signature earlier, so I wasn't sure.

3 Well, halfway down on the last page it
4 says, "I had an opportunity to review the
5 dash-camera video and audio from one of the OSP
6 troopers. While reviewing the footage I noticed
7 that Officer Raethke's tone and body language while
8 giving commands during this highly stressful
9 incident seemed amplified beyond that of the other
10 officers on scene."

11 So you recall having this conversation with
12 Sergeant Eustice?

13 A. **Yes.**

14 Q. And why was he concerned that your body
15 language and verbal commands were amplified?

16 A. **Well, he -- he had asked me about the --
17 because I was yelling very loud and he asked me why
18 I was yelling so loud, and so I explained to him
19 that my thought process in it was that if I -- if I
20 yelled loud and projected my voice, that a subject
21 should be able to -- would be able to hear me and
22 that they had -- it wouldn't be a -- a statement of,
23 "Well, I couldn't hear him," so I talked to him
24 about that. And he -- we talked about 21st Century
25 policing and kind of, you know, giving -- not sure**

1 **of the word. This isn't quoting him, but still**
2 **giving -- sorry. I'm thinking of the word. I'm**
3 **sorry. Like -- like, you know, firm commands, but,**
4 **you know, like, I think he said bring it down a**
5 **couple octaves, I think was his statement, but**
6 **giving firm commands, but not yelling so much, I**
7 **think were his instructions.**

8 Q. Do you recall if you were angry that day
9 for any reason?

10 A. **I wasn't angry.**

11 Q. You weren't in a bad mood?

12 A. **Nope.**

13 Q. Okay. And then two paragraphs down from
14 that it says, "It was explained to Officer Raethke
15 that public perception is part of policing in the
16 21st century. I played the dash-camera video for
17 Officer Raethke and he recognized that the footage
18 did not look good."

19 So what did you mean by that when you said
20 "the footage did not look good"?

21 A. **So this wasn't typed by me. This was typed**
22 **by Sergeant Eustice.**

23 Q. Right. But he's saying you agreed that
24 the -- you recognized that the footage did not look
25 good.

1 **A.** Yeah. So it -- that's specifically
2 referring to the yelling, the cursing, how -- that
3 it may look like, I guess, third person or like --
4 so, again, going back to lowering the volume, still
5 giving verbal -- you know, loud, firm, verbal
6 commands, but just lowering the volume. Does that
7 answer your question, sir?

8 **Q.** Yes.

9 **A.** **Perfect.**

10 **Q.** And the next sentence says, "Officer
11 Raethke and I spoke in length about -- in length
12 about some about" -- I think there's a typo there.
13 Sorry. It says, "Raethke and I spoke in length
14 about the incident and I offered him some tools that
15 he could use in similar circumstances." What were
16 the tools that Sergeant Eustice offered you?

17 **A.** So just from what I remember, again kind of
18 repeating myself, but -- I'm sorry. I didn't mean
19 to sound -- did I sound rude when I said that?

20 **Q.** No, not at all. You're doing fine.

21 **A.** Sorry about that. Again, just from what I
22 recall, it was, you know, again still giving loud,
23 verbal commands, but not yelling so loud and not
24 using curse words that are placed in with those
25 yellings so that way, you know, I can still give

1 **verbal commands that are heard, but it couldn't be,**
2 **I guess, perceived in a negative light, I guess.**

3 Q. Okay. Did Sergeant Eustice have any
4 concerns about the knee strikes you applied to
5 Robert Barror?

6 **A. No, sir. And it's -- I mean, it's not in**
7 **here, and it would have been. If it was an issue, I**
8 **either would have been in trouble or it would have**
9 **been documented.**

10 Q. So it -- based on your perception of this
11 conversation with Sergeant Eustice, he was mainly
12 concerned with your tone of voice rather than the
13 physical force you applied; is that correct?

14 A. **Yes. He -- like I said, he wanted me to**
15 **lower my volume --**

16 Q. Okay.

17 A. **-- and like -- I think he said a couple**
18 **octaves was what he said and just -- yeah.**

19 MR. HANSEN: Eliminate the profanity?

20 THE WITNESS: Yes.

21 MR. STEFFEN: Okay. Okay. I think we're
22 done with that exhibit. Now we're going to look at
23 something labeled Exhibit 3.

24 (EXB. 3, OSP Incident Details,
25 marked.)

1 BY MR. STEFFEN: (Continuing)

2 Q. Okay. Let's look at Page 43, also labeled
3 Page 4 of 7. And this is Trooper Killens' report of
4 the incident on August 6th, and I'm kind of starting
5 about halfway in his report here. The one, two,
6 three -- fourth paragraph down Trooper Killens says,
7 "I could see the driver's arm was in between the
8 seat belt and the door pillar so I moved the seat
9 belt around his arm to allow us to remove him from
10 the vehicle. Then St. Helens Officer Adam Raethke
11 started to yell 'Get out of the fucking car. Get
12 out of the fucking car' and pushed his way past me
13 on my right side into the V of the door."

14 Do you remember pushing passed Trooper
15 Killens?

16 **A. No.**

17 Q. Okay. And then starting at the next
18 paragraph down it says, "When the driver was on the
19 ground I took digital control of his left arm and
20 pulled it out from underneath his chest. I saw
21 Officer Raethke strike the driver with a knee blow
22 and gave him the command to stop resisting. I told
23 Officer Raethke 'he good' and to stop at that point
24 as no further force was necessary to effect
25 custody."

1 So it sounds like, according to Trooper
2 Killens, he already had Mr. Barror's left arm pulled
3 out from underneath his chest. Do you recall if
4 Mr. Barror's arm was out from underneath his chest
5 when you struck him with your knee?

6 **A. So I -- no. I recall Mr. Barror being on**
7 **his side, so I don't know how his hand would be**
8 **under his -- sorry. I'm trying to visualize it.**
9 **That would have to mean he was on his -- in a -- in**
10 **a prone position. And from what I recall, he was**
11 **on -- lying on one side of his body, so, no, I don't**
12 **recall that.**

13 Q. And correct me if I'm wrong, but I believe
14 you testified earlier that you don't recall any of
15 the troopers telling you that Mr. Barror was good
16 and that no further force was necessary?

17 **A. Yeah. I don't recall that, sir.**

18 Q. Okay. And then let's look at the next
19 page, the last paragraph before the section titled
20 "Arrest Report." It says, "Medics then transported
21 Barror to the hospital and then I contacted Officer
22 Raethke with the St. Helens Police and requested he
23 write a supplemental report for his actions during
24 my stop and a copy of his body camera."

25 Do you recall being contacted by Trooper

1 Killens for that information?

2 **A. Vaguely, yes.**

3 Q. Okay. And did you comply with that request
4 and write a supplemental report?

5 **A. Yes.**

6 Q. Okay. And is the supplemental report going
7 to be the same as your report that's Exhibit 1 or is
8 that something different?

9 **A. Nope. It's this one.**

10 Q. Okay. If Trooper Killens did not ask you
11 to write a supplemental report, then would you not
12 have written this report at all?

13 **A. No, I would have written it.**

14 Q. Okay. So to me -- it sounds like he's
15 asking for a supplemental report, which to me means
16 additional reporting other than the main report. Is
17 that incorrect?

18 **A. Yeah. So the best way to explain it is**
19 **like if -- say I investigate a certain case and I'm**
20 **the case officer, I would write a primary report or**
21 **we call it a general offense report. If there was a**
22 **second officer on scene with St. Helens, I would**
23 **say, Hey, can you write me a supplemental?" And so**
24 **usually it would say "Supplemental," but because I'm**
25 **with a different agency, the direction is that if**

1 **we're writing a, quote, unquote, "supplemental" for**
2 **them, that's fine, but we -- we, in house, would do**
3 **a general offense report. And I -- I think probably**
4 **where the -- the verbiage is is that it would be**
5 **supplemental to his report.**

6 Q. I see.

7 A. **Does that answer your question, sir?**

8 Q. Yeah. So I think I understand.

9 A. **Okay.**

10 Q. Since you were writing a report anyway,
11 that there would be no reason to write a
12 supplemental report because all the information is
13 contained in your initial report --

14 A. **I mean, this --**

15 Q. -- or like it's --

16 A. **So this -- this is my supplemental. I**
17 **guess, it's supplemental to his because he's the**
18 **case officer, but this --**

19 Q. Okay.

20 A. **I understand it's not labeled**
21 **"Supplemental," but there's not -- there's not like**
22 **a second report or something. This is the report,**
23 **but, yes.**

24 Q. Okay. But it would be standard practice to
25 write a report about this incident, anyway,

1 regardless of whether he asked for this supplemental
2 report; is that correct?

3 **A. Yep.**

4 Q. But in this case they happened to be one
5 and the same?

6 MR. HANSEN: Go ahead. They're one and the
7 same for you, right?

8 THE WITNESS: I'm sorry. I missed the
9 question.

10 MR. HANSEN: Yeah. I think I can explain
11 what's going on here.

12 MR. STEFFEN: Sure.

13 MR. HANSEN: We can go off the record.

14 (Discussion held off the record.)

15 BY MR. STEFFEN: (Continuing)

16 Q. Okay. Let's look at Page 45, please. And
17 I know we've -- we've covered most of this, but
18 since it -- it's a different statement from Trooper
19 Cowen. The last sentence on Page 45 says, "Both
20 Recruit Killens and I advised Officer Raethke, 'He's
21 good. He's good.' Officer Raethke stopped using
22 force at that point and Recruit Killens and I were
23 able to take him into custody."

24 And, again, you don't remember Trooper
25 Cowen saying words to that effect?

1 A. No.

2 Q. Okay. And is it your testimony here today
3 that you stopped using force in the form of the knee
4 strikes because at that point Mr. Barror had stopped
5 resisting?

6 A. Yes.

7 Q. The cessation of the use of force was not
8 related to Trooper Killens' and Cowen's statements?

9 A. No.

10 Q. Okay. And after you left the scene of the
11 arrest, did you see Robert Barror at any point while
12 he was in custody?

13 A. No.

14 Q. You had nothing to do with him being
15 transported to the hospital or his --

16 A. No, sir.

17 Q. -- time there?

18 MR. STEFFEN: Okay. Okay. Let's take a
19 look at the video. We can go off the record.

20 (Video was played.)

21 BY MR. STEFFEN: (Continuing)

22 Q. Officer Raethke, in this portion of the
23 video we watched there are two St. Helens patrol
24 vehicles that -- that come by on the left side of
25 the vehicle. Are you in one of those vehicles?

1 A. Yes, sir.

2 (Video played.)

3 Q. Officer Raethke, during that portion of the
4 video I just played, can you hear Mr. Barror saying
5 he can't put his hands up?

6 A. No, sir.

7 Q. You didn't hear that just now?

8 A. Oh, in the video, yes.

9 Q. Yeah. I'm --

10 A. Sorry.

11 Q. I'm talking about just now watching the
12 video you could hear him say that? I understand
13 that --

14 A. Yes. While watching the video I can hear
15 him saying that.

16 Q. Okay. But at the time when you were
17 actually there, you did not hear him say that,
18 right?

19 A. No, sir.

20 (Video played.)

21 Q. In that portion we just played, Mr. Barror
22 is repeating that he cannot hold his hands up. And,
23 again, same question, watching the video now, can
24 you hear Mr. Barror say that?

25 A. Yes.

1 Q. And you did not hear him say that when you
2 were actually there on the 6th?

3 A. No.

4 (Video played.)

5 Q. Okay. Now, in that portion when Mr. Barror
6 is being pulled out of the car, you're yelling, "Get
7 out of the car. Get out of the fucking car" --

8 A. Yes, sir.

9 Q. -- correct?

10 And it was your testimony that he was
11 resisting arrest at this point, correct?

12 A. Yes.

13 (Video played.)

14 Q. In the portion of the video we just played,
15 which is at approximately six minutes and 33 seconds
16 in, you're screaming, "Get out of the car. Get out
17 of the car," correct?

18 A. Yep.

19 Q. And at this point in the video, Mr. Barror
20 is clearly out of the car?

21 A. Yes, sir.

22 Q. Do you remember why you were screaming for
23 him to get out of the car if he was not -- if he was
24 already out of the car?

25 A. I mean, yeah. So I -- I recognized it and

1 **that's when I started saying, "Stop resisting."**
2 **It's just -- it -- it's stressful. It's a stressful**
3 **situation. You know, you -- there's, potentially, a**
4 **gun and we still don't have this individual secure.**
5 **It's just a stressful situation.**

6 Q. I understand.

7 When pulling Mr. Barror out of the car and
8 getting him on the ground, at any point did you see
9 a gun on Mr. Barror's person?

10 **A. Nope.**

11 (Video played.)

12 Q. And in the portion we just played, again,
13 just watching the video now, can you hear the
14 troopers saying, "He's good. He's good"?

15 **A. Yes.**

16 Q. Okay. And you did not hear that on the
17 actual date of August 6th?

18 **A. No, sir.**

19 (Video played.)

20 MR. STEFFEN: Okay. I don't have any
21 questions at this moment. We can go off the record
22 and I'm just going to review it again and see if
23 there's any more questions I want to ask.

24 MR. HANSEN: Okay.

25 (Recess was taken: 4:28 p.m. -

1 4:32 p.m.)

2 BY MR. STEFFEN: (Continuing)

3 Q. Okay. Officer Raethke, I want to ask you
4 about this gentleman seen in the video here
5 (indicating). This is at six minutes and twenty
6 seconds in. This to me looks like it's another St.
7 Helens police officer. Do you know who that is? I
8 know it's hard to tell from the video.

9 **A. Can you kind of play it so I can get a**
10 **moving view of him?**

11 Q. Sure.

12 (Video played.)

13 **A. Yes. That's Officer Dylan Gaston with St.**
14 **Helens PD.**

15 Q. What's his last name?

16 **A. I'm sorry. Gaston, G-A-S-T-O-N.**

17 Q. Okay. Was he riding with you in one of the
18 patrol cars?

19 **A. No. He was -- he was -- he was in one of**
20 **the cars that comes up, like, the first part of the**
21 **video. The two -- because we -- I want to say he**
22 **was the lead car and I was the rear car --**

23 Q. Okay.

24 **A. -- if I'm not mistaken, because we had both**
25 **came from the same place to the scene.**

1 Q. And was any other officer in the vehicle
2 with you or were you by yourself?

3 **A. By myself.**

4 Q. And is that normal for patrol? You don't
5 patrol with a partner?

6 **A. Yep. All on my lonesome.**

7 Q. Okay. And just a couple more questions.
8 We're done with the video.

9 Officer Raethke, in your time with Columbia
10 County or St. Helens, have you ever been named as a
11 defendant in another civil lawsuit related to your
12 law enforcement work?

13 **A. Yes.**

14 MR. HANSEN: Okay.

15 THE WITNESS: Yeah.

16 BY MR. STEFFEN: (Continuing)

17 Q. And what -- well, who sued you? Let me
18 start with that.

19 MR. HANSEN: Is this something that
20 occurred after?

21 THE WITNESS: It -- what are you referring
22 to?

23 BY MR. STEFFEN: (Continuing)

24 Q. Well, I'm just trying to -- you know, we've
25 alleged excessive use of force in this lawsuit

1 against you, and I'm trying to see if there have
2 been other lawsuits filed against you by other
3 plaintiffs that have alleged either use of force or
4 other alleged impropriety.

5 MR. HANSEN: Do you know -- here, I'm going
6 to step out.

7 (Recess was taken: 4:35 p.m. - 4:36
8 p.m.)

9 THE WITNESS: Okay. I'd like to clarify.
10 There's no other outstanding lawsuits at this time.

11 MR. HANSEN: That's good.

12 BY MR. STEFFEN: (Continuing)

13 Q. Okay. Well, have you been named as a
14 defendant in any civil lawsuit? Well, just any
15 civil lawsuit at all, have you been named as a
16 defendant?

17 **A. So this is the only active lawsuit -- civil
lawsuit that I --**

18 Q. Okay. Well, I'm not talking about active.
19 I mean even inactive lawsuits that have been --
20 maybe been dismissed or settled?

21 MR. HANSEN: There aren't any other
22 lawsuits, Justin.

23 MR. STEFFEN: Okay.

24 BY MR. STEFFEN: (Continuing)

1 Q. As part of your training with the City of
2 St. Helens, have you been trained in any sort of
3 de-escalation techniques? And what I mean is in an
4 effort to de-escalate a tense situation.

5 **A. Yes.**

6 Q. Okay. Can you describe -- give me an
7 overview of that training and what that entails?

8 **A. So it's -- actually, it's in our policy,**
9 **which was just revised probably eight months ago, so**
10 **it wouldn't have been policy at the time of this**
11 **incident. But if -- if you'd like, I can still tell**
12 **you about it.**

13 Q. Yes, please.

14 **A. So, like I said, it -- about eight months**
15 **ago it was put into policy, so things like calling**
16 **Crisis Intervention or, I guess, creating space and**
17 **talking, I guess, for lack of a better word, stuff**
18 **like that. I mean, nothing -- you know, speaking --**
19 **calling other, like, mental-health services, stuff**
20 **like that. But also in that policy it also states**
21 **that there is nothing within the policy that**
22 **requires an officer to retreat at any time.**

23 Q. Okay. And was there a de-escalation policy
24 with the City of St. Helens prior to eight months
25 ago?

1 A. Not that I can recall. I just don't
2 recall. It was a few years ago, sir.

3 Q. I understand. Okay. I have no more
4 questions.

5 Thanks.

6 MR. STEFFEN: Or did you have --

7 MR. HANSEN: No, I don't have any.

8 (Deposition concluded at 4:38 p.m.)

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1 STATE OF OREGON)
2 COUNTY OF MULTNOMAH) ss.

3 I, Amy A. Dalton, Certified Court Reporter
4 and Notary Public, do hereby certify that ADAM
5 RAETHKE personally appeared before me at the time
6 and place mentioned in the caption herein; that the
7 witness was by me first duly sworn under oath and
8 examined upon oral interrogatories propounded by
9 counsel; that said examination, together with the
10 testimony of said witness, was taken down by me in
11 stenotype and thereafter reduced to typewriting;
12 and, that the foregoing transcript, pages 1 to 55,
13 both inclusive, contains a full, true and correct
14 record of all such testimony adduced and oral
15 proceedings had and of the whole thereof.

16 Witness my hand and notarial stamp at
17 Portland, Oregon, this 18th day of January, 2022.

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Amy A. Dalton
Certified Court Reporter
CCR No. 3353
Notary Commission No. 1001815
My commission expires 7-20-24

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